



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 14

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

COPY MAILED

In re Application of : NOV 19 2002
J. Aaron Bly, David T. Spieldennner, :
Aaron Roth, Patrick O'Brien, :
Andrew F. Suhy, Jr., and :
Brent Parent :
Application No. 09/990,911 :
Filed: November 14, 2001 :
Title: System and Method for :
Disposing of Assets : DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the "Response to Decision Refusing Status under 37 CFR 1.47(a)," filed by facsimile transmission on November 11, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiency. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiency noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on November 14, 2001, without an executed oath or declaration. J. Aaron Bly, David Spieldennner, Aaron Roth, Patrick O'Brien, Andrew Suhy, Jr., and Brent Parent were named as joint inventors. In reply to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," mailed December 6, 2001, applicants timely filed the initial petition under §1.47. The petition was dismissed for failure to provide proof that non-signing inventors Suhy and Parent refused to sign the Declaration after having been presented with the application papers and because the declaration was not in compliance with 35 U.S.C. § 115 and 37 CFR § 1.63 (Decision mailed May 31, 2002).

A request for reconsideration was filed on September 3, 2002. However, this renewed petition was dismissed for failure to submit an acceptable declaration. The declaration submitted contained non-dated/non-initialed alterations as to the information for inventor Suhy (Decision mailed September 30, 2002). A second renewed petition and new declaration were timely filed on October 11, 2002. However, this declaration was not acceptable because the citizenship information for both inventors

Suhy and Parent was omitted. Petitioner was advised that an acceptable declaration in compliance with 35 U.S.C. § 115 and 37 CFR § 1.63 was still required (October 21, 2002).

On third renewed petition filed November 11, 2002, petitioner resubmitted the declaration filed October 11, 2002. This declaration was altered to include the citizenship information for inventors Suhy and Parent. Because of these non-dated/non-initialed alterations to the declaration, the declaration filed November 11, 2002, is not acceptable.

Accordingly, a new declaration is still required. It is highly recommended that petitioner submit on renewed petition a clean 1.47 declaration, one with all alterations encompassed prior to signing by the available joint inventors.

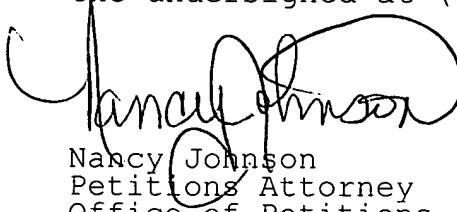
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Office of Petitions
 ATTN: NANCY JOHNSON

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza Four, Suite 3C23
 Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.


Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy